

United States Senate

SENATE IMPEACHMENT
TRIAL COMMITTEE

WASHINGTON, DC 20510-6326

June 10, 2010

VIA E-MAIL

Alan I. Baron, Esq.
Special Impeachment Counsel
U.S. House of Representatives
Washington, D.C. 20515

VIA E-MAIL

Richard W. Westling, Esq.
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VIA E-MAIL

Jonathan Turley, Esq.
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Dear Counsel:

I write to memorialize the matters covered in today's meeting of all counsel.

On behalf of the House, Mr. Baron indicated that he did not anticipate any problems complying with the Committee's Disposition of Discovery Issues. It is his belief that the House is well on its way to compliance and that full compliance (subject to the discovery of additional documents, etc.) is expected within a few days. Mr. Baron indicated that the House had not yet received any discovery documents from counsel for Judge Porteous. Mr. Westling stated that he did not believe that there was much to turn over but that Judge Porteous's team is working on producing responsive documents. The Committee intends to issue an Order specifying a date when discovery must be completed.

Counsel was reminded that the Committee's Scheduling Order of May 26, 2010 remains the operative Order. Per that Order, all remaining pre-trial motions must be filed by 5:00 p.m., June 15, 2010. The Scheduling Order requires that applications for modification of the Scheduling Order be filed two (2) business days prior to the applicable due date. Thus, any application to modify the Scheduling Order as it relates to the June 15, 2010 motions deadline must be filed by 5:00 p.m., Friday, June 11, 2010. Moreover, counsel was advised that if an application for modification is filed, any opposition must be filed by noon on Monday, June 14, 2010.

After a lengthy discussion where both parties, the Committee staff and Senate Legal Counsel expressed concerns regarding the conflict of interest stemming from Mr. Westling's representation of Judge Porteous in this matter and his concurrent representation of Louis and Lori Marcotte and their company, Bail Bonds Unlimited, Inc., in a separate civil matter, the Committee requests that counsel for Judge Porteous provide a detailed analysis of Mr. Westling's representation conflict, how the conflict is being screened, and how the screening permits him to continue representation of both clients under the applicable rules of professional conduct. This is to be filed by noon on Monday, June 14, 2010.

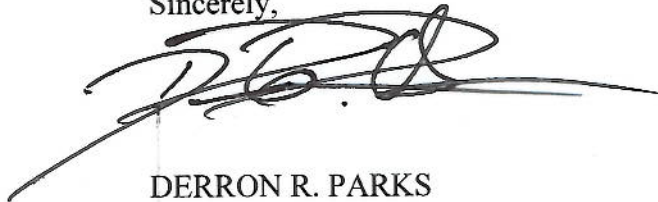
We also discussed the logistics of the Committee issuing subpoenas and requesting immunity orders. The filings made by the parties to date are preliminary and are subject to supplementation; however, if either party seeks assistance in securing the presence of a witness or obtaining immunity for a witness, the Committee requires additional information and adequate notice. Counsel was informed that under the Scheduling Order, the Committee must vote on all immunity requests at the July 1, 2010 hearing in order to allow time for review by the Attorney General and consideration by the court. Therefore, all immunity requests must be filed by 5:00 p.m., June 30, 2010. Additionally, all subpoenas must be issued with sufficient time for service on the witnesses. Thus, all subpoena requests must be filed by 5:00 p.m., July 13, 2010. Each subpoena request must be accompanied by a proffer sufficient to apprise the Committee of the scope of that witness's testimony and must include contact information for each witness. I cannot stress enough that any subpoena and immunity requests should be made as expeditiously as possible.

Counsel was also notified that the Committee staff will be recommending that the Committee issue an additional Order adding the following deadlines to the existing Scheduling Order:

- **June 18, 2010 - Stipulation Requests**
- **June 25, 2010 - Responses to Stipulation Requests**
- **July 2, 2010 - Replies to Responses to Stipulation Requests**

I appreciate the cooperation exhibited by counsel regarding these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Parks", with a long horizontal flourish extending to the right.

DERRON R. PARKS
Staff Director

cc: Morgan Frankel
Senate Legal Counsel